IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 6976 of 1999

Between:

P. Prabhakara Raju, s/o P. Adinarayanappa, aged 38 years,

R/o Perugupalem, Settur Mandal, Anantapur District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad, rep.by its Secretary.
2. The Special Commissioner of Land Revenue Andhra Pradesh at Hyderabad.
3. The Joint Collector, Anantapur.
4. The Mandal Revenue Officer, Settur Mandal, Anantapur District.
5. P. Narasimhappa, s/o Thimmappa, Perugupalem village, Settur Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate writ or direction declaring the order of the 1st respondent passed in Memo No.55299/Asn.4(1)/96-2, dated 28.01.1999 confirming the orders of the 2nd and 3rd respondents passed in CLR Ref.No.BCW1/534/91, dated 24.07.1996 and D.Dis(A6)10816/85, dated 20.07.1991 as illegal and arbitrary and is in violation of principles of natural justice.

Counsel for the Petitioner: MR.O.MANOHAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6976 of 1999

O R D E R :

An extent of Acs.3-50 in Survey No.260/3A of Mulakaledu Village, Settur Mandal, was assigned to the petitioner on 10-1-1981 by the Tahsildar, Anantapur, allegedly for the reason that the petitioner was a landless poor person. The petitioner claims that he has developed the land and brought under cultivation. Be that as it is, on a complaint given by one Mr. P.Narasimhappa, the Joint Collector, after following due process of law cancelled the assignment on the ground that the petitioner's family owns Acs.3-25 and that the petitioner was minor at the time of assignment. Aggrieved by the same, the petitioner preferred an appeal before the second respondent, who by order dated 24-7-1996 dismissed the appeal. Being not satisfied, the petitioner again filed a revision petition before the Government, who by the impugned Memo dated 28-1-1999 dismissed the revision petition confirming the orders of the Joint Collector.

Learned counsel for the petitioner, Sri O.Manohar Reddy, contends that the impugned order is bad in law for non-application of mind and illegal. It is further submitted that the petitioner has not been given adequate opportunity and that he was not supplied the complaint of the fifth respondent or the report submitted by the

fourth respondent before cancellation of the assignment.

A reading of the impugned order would show that the Government examined the record and found that the petitioner's family is a well-to-do family having Acs.13-25 and that the petitioner obtained the assignment by mis-representing the facts and that he was minor on the date of assignment as per the certificate of Date of Birth issued by Zilla Parishad High School, Mulakaledu.

A perusal of the orders passed by the Joint Collector as well as the Commissioner of Land Revenue, would also show that there is due application of mind and having regard to the facts, the authorities were justified in cancelling the assignment. Further, all the authorities have considered the question of fact and recorded findings and I do not see any ground to interfere with the same in exercise of power under Article 226 of the Constitution of India. The impugned orders does not suffer from any infirmity.

The writ petition is accordingly dismissed. No costs.

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(V.V.S. RAO, J.)

22-07-2004.

Msr.

To

1. The Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.

2. The Special Commissioner of Land Revenue, Andhra Pradesh at Hyderabad.

3. The Joint Collector, Anantapur.

4. The Mandal Revenue Officer, Settur Mandal, Anantapur District.

5. Two CCs to G.P for Revenue, High Court of A.P., Hyderabad (OUT)

6. Two CD copies.

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6976 of 1999

Dt. 22-07-2004

(Msr)